

### REMARKS/ARGUMENTS

In paragraph 2 of the Detailed Action the Examiner has rejected claims 1-4, 7, 9-11, 14-19 and 21-29 under 35 U.S.C. 102(b) as being anticipated by Comroe et al. (Comroe), U.S. Patent No. 5,355,367. Applicant has cancelled claims 4, 15-16 and 19. Claim 4 has been amended and added to amended claims 1 and 26. Claim 19 has been amended and added to amended claim 17.

Regarding the Examiner's rejection of claim 1, the Examiner stated that Comroe discloses in column 6, lines 25-51, all of the features recited in claim 1. Applicant submits that Comroe in column 6, lines 9-25 discloses a process for allocating a communication resource during initial access to a communication system, not for handling hard handoffs. An apparatus providing initial access to the communication system is not the same as the computing apparatus of amended claim 1 that provides a computing apparatus for handling hard handoffs in which a communication resource is allocated in a second radio sector while the mobile terminal is already operating in a first radio sector. Specifically, claim 1 has been amended as follows:

*A computing apparatus for handling hard handoffs ~~arranged to operate~~ within a wireless network in which mobile terminals can be in communication with a first radio sector ~~including at least one radio sector in which mobile terminals can communicate~~, the computing apparatus comprising:*

*network resource allocation logic that operates to request allocation of at least one network resource associated with a second ~~the~~ radio sector for at least one mobile terminal; to determine if the allocation of the at least one network resource associated with the second radio sector is successful; ~~and~~ if the allocation fails, to request the at least one mobile terminal be placed within a dormant mode, in which communication between the at least one mobile terminal and the first radio sector is suspended; and*

*hard handoff determination logic that operates to determine if a hard handoff from the first radio sector to the second radio sector is necessary for the at least one mobile terminal and, if the hard handoff is desirable, to trigger the*

operation of the network resource allocation logic for the at least one mobile terminal within the second radio sector.

The amendments to claim 1 are supported on page 6, line 25, to page 7, line 15. These amendments are also supported by Figures 4-5 and the related discussion within the specification. It is also noted that claim 4 has been added to claim 1. Dependent claims 2 and 5-14 have been amended to clarify the language of the claims with respect to the amendments made to claim 1. Specifically, correct antecedents have been added to claims 2 and 5-14, dependencies have been corrected in claims 5-7 and typographical errors amended in claim 14. Moreover, the phrase "*in which communication between the at least one mobile terminal and the second mobile terminal is established*" has been appended to both claims 2 and 7.

With respect to claim 4, the Examiner has stated that Comroe provides for hard handoffs. Applicant notes that Comroe does not provide a dormant mode option for unsuccessful hard handoffs from a first radio sector to a second radio sector. The dormant mode discussed in Comroe is only provided for failure during initial access to a communication system. Applicant believes that the amended claim 1 including the features of claim 4 is not anticipated by Comroe. Moreover, Applicant notes that claims 2-3, 7, 9-11 and 14 are dependent on claim 1. Accordingly, claims 2-3, 7, 9-11 and 14 cannot be anticipated by Comroe.

With respect to the Examiner's rejection of claim 17, the Examiner stated that Comroe discloses in column 5, line 62, to column 6, line 52 a similar apparatus. Applicant again notes that Comroe in column 6, lines 9-25 discloses that the method of allocating a communication resource is for initial access only and not for hard handoffs between a first radio sector and a second radio sector. Claim 17 has been amended in a similar fashion to that of claim 1. The content of claim 19 had been added to claim 17 to make it clear that the apparatus is used to control the allocation of network resources during hard handoff.

The Applicant has made similar amendments to claims 21, 23 and 26 and respectfully submits that similar arguments also apply to these claims. Applicant notes that claim 18 has been amended to clarify the language of the claims with respect to the amendment made to claim 17. Claim 22 has been amended to clarify the language of the claims with respect to the

amendment made to claim 21. Similarly, claims 28 and 29 have been amended to clarify the language of the claims with respect to the amendment made to claim 26.

With respect to the Examiner's rejection of claim 24, the Examiner suggested that Comroe discloses that a mobile terminal during a hard handoff procedure can be forced into a dormant mode if the attempt to allocate at least one network resource fails. Applicant again notes that the dormant mode taught in column 6 of Comroe does not apply to a method of hard handoff; it only applies to a method of initial access to the communication system in which a mobile terminal does not have a communication link to any Radio Access Port. By contrast, the present invention requires that a mobile terminal experiencing a hard handoff procedure have a communication link with a first Radio Access Port provided by a first radio sector.

In view of the foregoing Applicant respectfully requests that the Examiner reconsider and withdraw his 35 U.S.C. 102(b) rejection of claims 1-3, 7, 9-11, 14, 17-18 and 21-29.

In paragraph 4 of the Detailed Action the Examiner has rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Comroe in view of Baiyor, U.S. Patent No. 6,282,429. Applicant notes that claim 5 is ultimately dependent upon claim 1 and thus contains all of the features recited in the amended claim 1. Applicant demonstrated above that the features in the amended claim 1 are not disclosed in Comroe and thus are not anticipated by Comroe. Applicant also submits that the features disclosed in the amended claim 1 cannot be found in Baiyor. In view of this, Applicant respectfully requests that the Examiner reconsider and withdraw his 35 U.S.C. 103(a) rejection of claim 5 since a *prima facie* case of obviousness cannot be established because not all of the elements of the claimed invention are taught within the combination of the two references.

In paragraph 5 of the Detailed Action the Examiner has rejected claims 6, 8, 12, 13 and 20 under 35 U.S.C. 103(a) as being unpatentable over Comroe. Applicant notes that these claims are ultimately dependent upon claims that have been demonstrated to be not anticipated by Comroe. Applicant submits that a case of *prima facie* obviousness cannot be established for a rejection of these claims since not all of the elements disclosed in the independent claims are disclosed within Comroe. Applicant, thus, respectfully requests that the Examiner reconsider and withdraw his 35 U.S.C. 103(a) rejection of claims 6, 8, 12, 13 and 20.

In view of the forgoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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